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06 UNITED STATES DISTRICT COURT
07 WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

08 JEROME TALLEY,) CASE NO. C08-1114-RSM
09 Plaintiff,)
10 v.) ORDER GRANTING PLAINTIFF'S
11 T.C. BAILEY, et al.,) MOTION FOR EXTENSION OF TIME
12 Defendants.)
13 _____)

14 This is a civil rights action brought under § 1983. Currently pending before the Court
15 are defendants' motions for summary judgment and plaintiff's motion for an extension of time
16 to respond to defendants' summary judgment motion. The Court, having reviewed the
17 pending motions, and the balance of the record, does hereby ORDER as follows:

18 (1) Plaintiff's motion for an extension of time to respond to defendants' summary
19 judgment motion (Dkt. 21) is GRANTED. Plaintiff is directed to file his response to
20 defendants' motion no later than **April 27, 2009**.

21 Plaintiff is advised, pursuant to *Rand v. Rowland*, 154 F.3d 952 (9th Cir. 1998) and
22 Federal Rule of Civil Procedure 56, that he has a right to file counter-affidavits or other

01 responsive evidentiary materials in opposition to defendants' motion for summary judgment
02 and that his failure to file such materials may result in the entry of summary judgment against
03 him. If the motion for summary judgment is granted, plaintiff is advised that his case will be
04 over. Thus, if plaintiff fails to file opposing counter-affidavits or other evidence, defendants'
05 evidence might be taken as truth, and final judgment may be entered against plaintiff without a
06 trial.

07 (2) Defendants' motion for summary judgment (Dkt. 17) is RENOTED for
08 consideration on **May 1, 2009**.

09 (3) The Clerk is directed to send a copy of this Order to plaintiff together with
10 copies of plaintiff's complaint (Dkt. 8) and of defendants' summary judgment papers (Dkts. 17,
11 18, 19, and 20).ⁱ The Clerk is further directed to send copies of this Order to counsel for
12 defendants and to the Honorable Ricardo S. Martinez.

13 DATED this 23rd day of March, 2009.

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15 s/ Mary Alice Theiler
United States Magistrate Judge

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20 ⁱ Plaintiff indicates in his motion for extension of time that he is not in possession of any of
21 his legal papers at this point and that he therefore requires copies of all documents on file in
22 this case. However, plaintiff should be able to prepare his response to defendants'
summary judgment motion with the few documents identified here.